

STATE OF MICHIGAN  
COURT OF APPEALS

---

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED  
February 19, 1999

Plaintiff-Appellant,

v

No. 207276  
Recorder's Court  
LC No. 97-001892

RICARDO JACKSON,

Defendant-Appellee.

---

Before: Markman, P.J., and Bandstra and J. F. Kowalski\*, JJ.

MEMORANDUM.

Plaintiff appeals as of right the trial court order reversing its bench trial conviction of defendant for possession of less than 25 grams of heroin, MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v). We reverse.

Defendant was found guilty after a bench trial. The court found that defendant had obviously gone to a drug house, and that there was no indication that police had made up testimony or planted evidence to make a petty drug case against defendant. At the time of sentencing, the court observed that defendant did not have a record. Rather than place a burden on the probation department, the court instructed defendant to stay away from drug houses, and it reversed its guilty verdict.

The court rules authorize trial courts to alter their verdicts prior to entry of judgment based on a substantive mistake. MCR 6.435(B); *People v Carlos Jones*, 203 Mich App 74, 80; 512 NW2d 26 (1993). Public policy prohibits otherwise altering verdicts in order to encourage finality of verdicts and to prevent potential abuses. *Id.*, at 82. To permit a trial court to alter a verdict raises the spectre of potential judicial abuse. *Id.*

Alteration of a reasoned verdict of guilty in a bench trial is precluded on public policy grounds. *People v Hutchinson*, 224 Mich App 603, 606; 569 NW2d 858 (1997). A trial court in this respect

---

\*Circuit judge, sitting on the Court of Appeals by assignment.

has no greater prerogatives than a jury. *Id.* The trial judge erred in altering his verdict. *Jones, supra*, at 82.

The original guilty verdict is reinstated, and the case remanded to the trial court for sentencing. We do not retain jurisdiction.

/s/ Stephen J. Markman

/s/ Richard A. Bandstra

/s/ John F. Kowalski